

October 15, 2024

VIA ECF

Magistrate Judge Peggy Kuo
United States District Court
Eastern District of New York
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**Re: *State Farm Mut. Auto. Ins. Co. v. Metro Pain Specialists P.C.*, 21-cv-5523 (E.D.N.Y.) –
Update re Nazar Burak Compliance with Non-Party Subpoena**

Dear Judge Kuo:

Pursuant to this Court's Text Order entered September 27, 2024 (the "Order"), Plaintiffs State Farm Mutual Automobile Insurance Company and State Farm Fire and Casualty Company (collectively, "Plaintiffs") respectfully write to update the Court on the status of non-party Nazar Burak's responses to Plaintiffs' subpoenas *duces tecum* and *ad testificandum*, which are presently before the Court on Plaintiffs' motion to compel (*see* Dkt. 616).

As background, on September 18, 2024, Plaintiffs moved to compel Mr. Burak's compliance with the subpoenas. Dkt. 616. On September 26, Mr. Burak, through his counsel, submitted a letter to the Court representing he would provide Plaintiffs a complete response to the subpoenas by October 11. The Court directed Mr. Burak to comply by the stated deadline.

On October 14, Mr. Burak produced documents responsive to some but not all categories of records requested in the subpoena. On October 15, the parties met and conferred regarding the status of outstanding records, including requests for agreements, financial and accounting records, communications, and other business records. Counsel for Mr. Burak has agreed to confer further with Mr. Burak regarding the status of these records. To the extent Mr. Burak has these records in his possession, custody, or control, Plaintiffs understand he intends to produce them. The parties agreed Mr. Burak would produce all outstanding records and serve written responses to the subpoena *duces tecum* by October 25. Mr. Burak has agreed to appear for deposition after fully complying with the subpoena *duces tecum*.

Plaintiffs respectfully request the Court order Mr. Burak to produce all outstanding documents responsive to the subpoena and serve complete written responses by October 25, 2024. If it pleases the Court, Plaintiffs could file a letter advising the Court on the status of compliance by October 29, 2024.

Respectfully submitted,

/s/ Christopher T. Cook

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